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SUBJECT: INCREASINGLY DIFFICULT HUMAN RIGHTS SECTOR IN
TAJIKISTAN: STRONG INTERNATIONAL LEADERSHIP NEEDED

REF: DUSHANBE 70

Classified By: Ambassador Tracey Jacobson; reasons 1.4 (b) and (d).

¶1. (C) Summary: The Government of Tajikistan makes it difficult for NGOs to operate effectively in the human rights and democracy sector, and the NGO community has resigned itself to the fact that significant improvements are simply not possible in the current environment. The presence of international organizations like the OSCE and the United Nations has marginally improved the operating environment for NGOs, but the human rights components of OSCE and the UN have taken low profile approaches that contribute to lethargy in the human rights community. In the meantime, the human rights situation in Tajikistan continues to deteriorate. We believe, however, that the international community can better engage the government on human rights issues, and that NGOs, if led by strong expatriates, can make a positive impact. End Summary.

¶2. (C) The atmosphere for human rights and democracy work in Tajikistan is characterized by pervasive corruption and government opposition to substantive reform. Government managers, particularly at the national level, are often incompetent and unwilling to make decisions, and key government institutions have been unable to perform basic functions. Laws governing NGO registration are overly complicated and provide the government with a basis upon which to prevent them from operating in the country for myriad technical reasons. Government officials use passive-aggressive tactics to keep NGOs "in line") they will not ban an NGO outright, instead claiming that an NGO has not complied with registration requirements; they selectively use tax and anti-corruption inspections to harass or to curb activities.

¶3. (SBU) NGOs) both local and international) have been unsuccessful at advocacy on sensitive human rights issues (reftel). Much like the independent media, NGOs self-censor themselves by steering clear of subjects that would threaten their relationships with the government. Generally, when human rights NGOs have attempted to engage the government politically, the government ignores their concerns. In the last 3 months, there have been two round tables designed to elicit comments from civil society about the Law on the Human Rights Ombudsman. The government ignored concerns raised in these meetings, submitting a version of the bill to parliament that rejects key provisions on the office's independence and powers to access documents and premises of

law enforcement institutions. The government, however, continues to claim that it drafted the law after consulting civil society.

¶4. (C) Local national employees of NGOs are susceptible to harassment or intimidation by government officials. Security officials have regularly picked up the National Democratic Institute's local program manager and verbally accused him of being a traitor. Many local national employees are subjected to more subtle forms of intimidation.

¶5. (SBU) NGOs and international organizations also have to contend with increasingly brazen attempts by corrupt government officials to secure benefits. A significant number of NGO representatives have alluded to using lawyers with "connections" to the Ministry of Justice during the recent re-registration process. It is commonly understood that the lawyers built into their fees bribes to ensure that the NGOs were in fact registered. Ministry of Education officials have attempted to extort our implementing partners by withholding signatures on key documents contingent on providing benefits outside of the parameters of the project. In one instance, Ministry officials asked Relief International to provide computers for Ministry staff members. When Relief International obliged by loaning the Ministry 2 used computers, the Ministry officials rejected them and demanded new computers. Ministry officials are now refusing to sign letters of support for the NGO's continuing programs. A Swedish colleague who works for a UN agency told us of an instance in which a government minister refused to support a large development project because she (the UN worker) refused his request for an Audi automobile.

¶6. (SBU) Even if an NGO actually does get registered, it often must water down its programming. The authorities registered Internews Network after months of uncertainty and embassy interventions. Staff members from Internews, which receives USG funding to produce programs for independent television stations, told us at a recent meeting that they cannot be too provocative if they want to keep their operations going. They said that independent television stations "know their limits," and that they stay away from programs that focus on touchy subjects, like politics and human rights. Tajik TV stations broadcast Internews programs that focus on cultural, social and economic topics that do not provoke controversy. Internews was unable to establish a similar project for radio because the private community radio stations it intended to serve were unable to obtain broadcast licenses.

¶7. (C) In the case of an NGO like the National Democratic Institute, which cannot water down its activities very much to make the Tajik government more comfortable, registration is still not complete, and we are unsure whether the government will, in the end, take this step. Institute representatives have told us that if the organization is not registered by March 31, it will leave Tajikistan and publicize the reasons why it closed its office. The Head of the office in Dushanbe told us that the organization hoped to get the participation of U.S. senators and congressmen in a "powerful statement" bringing attention to Tajikistan's failure to allow NDI to operate, despite years of trying and many assurances. We have told NDI that we will support this attempt to publicly hold officials accountable.

International Organizations Don't Add Much -----

¶8. (SBU) International organizations in Tajikistan have not given the NGO community the confidence to challenge this situation. PolOff attended a recent human rights coordination meeting that demonstrated the weak role that international organizations play, and the void left by the departure of the UN Tajikistan Office of Peacebuilding, which had a Security Council mandate. The OSCE Human Dimensions Unit has shown that it can partly fill this void by reviving

the monthly human rights meeting. However, the Unit's contribution to the meeting was to read portions of an OSCE report with no analysis. The Unit has organized marginally useful meetings on human rights subjects, but has not developed a coherent strategy to engage local authorities (unlike other parts of the OSCE mission, such as the Political Section). In November, the Unit sponsored a meeting on the Law on Religion that was a rehashing of a similar meeting 2 weeks before. The Unit sponsored a meeting in February 2008 on the Law on the Human Rights Commissioner that duplicated a similar meeting in December 2007.

¶9. (SBU) UN officials have also taken a low profile approach to human rights issues. During the coordination meeting, the UNDP representative requested that the discussion be divided thematically, so that those implementing human rights programs could "skip" the portion of the meeting where the more political aspects of human rights work were discussed. UN representatives also took a muted approach during discussion of the flawed Law on the Human Rights Ombudsman, despite the fact that the UN was one of the prime interlocutors with government officials who drafted the law. The UN also helped develop the law creating the Anti-Corruption Agency, but could not or would not contest the government's amendments which placed the new agency under the president and called into question its independence.

¶10. (SBU) High profile representatives of international organizations have visited Tajikistan to discuss human rights issues, and the government has been cooperative during these visits. However, subsequent reports or statements that criticize or recommend changes sit idly, with little public comment. The UN Special Rapporteur on Religious Freedom visited Dushanbe in March 2007, and urged that the government take a balanced approach toward legislating on religious issues. The UN's field office, however, did not play a big role in efforts to amend the highly objectionable draft Law on Religion later that year. In 2006, the ODIHR election monitoring mission issued a report that criticized Tajikistan's electoral laws. There is little mention of this report in the international community, including amongst OSCE representatives.

Are We Missing Something?

¶11. (SBU) While this environment is far from encouraging, there may be room to maneuver. Independent newspapers have been critical of the government, and they are generally willing to highlight reports that criticize conditions in the country. Some issues, such as corruption and economic hardship, transcend politics and resonate with the public. NGOs, international organizations, and some bilateral missions, however, have been reluctant to openly discuss accountability for failed programs, excessive bureaucracy, or incompetence. NGOs are also less willing to devote full time international staff members to projects.

Comment - A Stronger Approach Needed

¶12. (C) Comment: Especially with the departure last year of UNTOP, we need to continue to take a leadership role on human rights. We will use the rollout of our Human Rights Report to use targeted public comments to generate support for ongoing initiatives. If the National Democratic Institute decided to leave Tajikistan, this will also present an opportunity, albeit unsought by us, to publicly highlight the Government's unwillingness to seriously engage on human rights. We also think it is critically important that any international NGO involved in human rights or democracy activities have an international staff member. (We note that in the past, when IFES had an international director, it was quite effective on election reform.) Local representatives are subject to too much pressure from the Government to be effective. End comment.

